

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1389 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-12-70-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this
- 5 chapter, "eligible student" means a student who meets the following
- 6 requirements:
- 7 (1) Is a resident of Indiana.
- 8 (2) Is enrolled in grade **6, 7, or 8** at a public or an accredited
- 9 nonpublic school.
- 10 (3) Is eligible for free or reduced priced lunches under the
- 11 national school lunch program.
- 12 (4) Agrees in writing, together with the student's custodial parents
- 13 or guardian, that the student will:
- 14 (A) graduate from a secondary school located in Indiana that
- 15 meets the admission criteria of an institution of higher
- 16 learning;
- 17 (B) not illegally use controlled substances (as defined in
- 18 IC 35-48-1-9);
- 19 (C) not commit a crime or infraction described in IC 9-30-5;
- 20 (D) not commit any other crime or delinquent act (as described
- 21 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
- 22 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
- 23 repeal));
- 24 (E) when the eligible student is a senior in high school, timely

1 apply:

- 2 (i) to an institution of higher learning for admission; and
- 3 (ii) for any federal and state student financial assistance
- 4 available to the eligible student to attend an institution of
- 5 higher learning; and
- 6 (F) achieve a cumulative grade point average upon graduation
- 7 of at least 2.0 on a 4.0 grading scale (or its equivalent if
- 8 another grading scale is used) for courses taken during grades
- 9 9, 10, 11, and 12.

10 SECTION 2. IC 20-18-2-22, AS ADDED BY P.L.246-2005,
 11 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) "Teacher" means a
 13 professional person whose position in a school corporation requires
 14 certain educational preparation and licensing.

15 (b) For purposes of IC 20-28, the term includes the following:

- 16 (1) A superintendent.
- 17 (2) A supervisor.
- 18 (3) A principal.
- 19 ~~(4) An attendance officer.~~
- 20 ~~(5) (4)~~ A teacher.
- 21 ~~(6) (5)~~ A librarian.

22 SECTION 3. IC 20-26-13-11, AS ADDED BY P.L.242-2005,
 23 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2007]: Sec. 11. (a) A student who has left school is not
 25 included in clauses (A) through (J) of STEP FIVE of the formula
 26 established in section 10 of this chapter unless the school corporation
 27 can provide written proof that the student has left the school for one (1)
 28 of the reasons set forth in clauses (A) through (J) of STEP FIVE of
 29 section 10 of this chapter. If the location of the student is unknown to
 30 the school, the principal of the school shall send a certified letter to the
 31 last known address of the student, inquiring about the student's
 32 whereabouts and status. If the student is not located after the certified
 33 letter is delivered or if no response is received, the principal may
 34 submit the student's information, including last known address, parent
 35 or guardian name, student testing number, and other pertinent data to
 36 the state attendance ~~officer.~~ **official.** The state attendance ~~officer,~~
 37 **official,** using all available state data and any other means available,
 38 shall attempt to locate the student and report the student's location and
 39 school enrollment status to the principal so that the principal can
 40 appropriately send student records to the new school or otherwise
 41 document the student's status.

42 (b) If a school corporation cannot provide written proof that a
 43 student should be included in clauses (A) through (J) of STEP FIVE of
 44 section 10 of this chapter, the student is considered a dropout.

45 SECTION 4. IC 20-27-9-6, AS ADDED BY P.L.1-2005, SECTION
 46 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

2007]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

(1) obtain written authorization of the superintendent of the contracting school corporation;

(2) clearly identify the school bus with the name of the sponsoring group; and

(3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and IC 20-27-5-9 for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of:

(1) a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code; or

(2) any nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

(d) When authorizing transportation described in subsection (c), the school corporation may only charge the organization for gasoline.

SECTION 5. IC 20-28-8-3, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Before February 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body. **An assistant superintendent, a principal, or an assistant principal's contract terminates only on the following dates and under the following conditions:**

(1) On any date, if the governing body and the assistant

1 superintendent, principal, or assistant principal mutually
2 consent.

3 (2) Before the expiration date set forth in the contract, if the
4 governing body terminates the contract for cause under a
5 statute that sets forth causes for dismissal of teachers.
6 However, the governing body must give the assistant
7 superintendent, principal, or assistant principal proper notice
8 and, if the assistant superintendent, principal, or assistant
9 principal requests a hearing at least ten (10) days before the
10 termination, must grant the assistant superintendent,
11 principal, or assistant principal a hearing at an official
12 meeting of the governing body.

13 (3) On the expiration date set forth in the contract, if the
14 governing body not later than January 1 of the year in which
15 the contract expires gives notice to the assistant
16 superintendent, principal, or assistant principal in writing,
17 delivered in person or by registered mail.

18 (4) On the expiration date set forth in the contract, if the
19 assistant superintendent, principal, or assistant principal not
20 later than January 1 of the year in which the contract expires
21 gives proper notice in writing to the governing body.

22 (b) If the governing body fails to give a termination notice under
23 subsection (a), the assistant superintendent, principal, or assistant
24 principal's contract is extended for twelve (12) months following
25 the expiration date of the contract.

26 SECTION 6. IC 20-28-8-11, AS ADDED BY P.L.1-2005,
27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2007]: Sec. 11. (a) Before February 1 of the year during which
29 the contract of a local director is due to expire, the managing body, or
30 an employee at the direction of the managing body, shall give written
31 notice of renewal or refusal to renew the local director's contract for the
32 ensuing school year.

33 (b) If notice is not given before February 1 of the year during which
34 the contract is due to expire, the contract then in force is reinstated only
35 for the ensuing school year.

36 (c) This section does not prevent the modification or termination of
37 a contract by mutual agreement of the local director and the managing
38 body. A local director's contract terminates only on the following
39 dates and under the following conditions:

40 (1) On any date, if the governing body and the local director
41 mutually consent.

42 (2) Before the expiration date set forth in the contract, if the
43 governing body terminates the contract for cause under a
44 statute that sets forth causes for dismissal of teachers.
45 However, the governing body must give the local director
46 proper notice and, if the local director requests a hearing at
47 least ten (10) days before the termination, must grant the local

director a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the local director in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the local director not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

(b) If the governing body fails to give a termination notice under subsection (a), the local director's contract is extended for twelve (12) months following the expiration date of the contract."

Page 1, after line 7, begin a new paragraph and insert:

"SECTION 8. IC 20-33-2-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for an attendance officer a school administrator or the school administrator's designee not later than six (6) days after the certificate is demanded.

(b) The certificate required under this section must be signed by:

- (1) an Indiana physician;
- (2) an individual holding a license to practice osteopathy or chiropractic in Indiana; or
- (3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

SECTION 9. IC 20-33-2-20, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

- ~~(1) attendance officers;~~
- ~~(2) (1) school officials; and~~
- ~~(3) (2) agents of the department of labor; and~~
- (3) agents of the department.**

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, an agent of the department, or an agent of the department of labor.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

- (1) state superintendent; or

(2) superintendent of the school corporation in which the nonpublic school is located.

SECTION 10. IC 20-33-2-23, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) Each school ~~attendance officer,~~ **administrator (or the administrator's designee)**, sheriff, marshal, and police officer in Indiana may take into custody any child who:

(1) is required to attend school under this chapter; and

(2) is found during school hours, unless accompanied:

(A) by a parent; or

(B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age;

in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer **or administrator (or administrator's designee)** takes a child into custody under this section, the officer **or administrator (or administrator's designee)** shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer **or administrator (or administrator's designee)** shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

SECTION 11. IC 20-33-2-25, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. The superintendent or ~~an attendance officer~~ **a school administrator (or the school administrator's designee)** having jurisdiction may report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court. The intake officer shall proceed in accord with IC 31-30 through IC 31-40.

SECTION 12. IC 20-33-2-26, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) It is the duty of each:

(1) superintendent;

~~(2) attendance officer;~~ and

~~(3) state attendance official;~~

(2) school administrator (or school administrator's designee);

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall

be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

SECTION 13. IC 20-33-2-47, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

(1) the student fails to attend school; and

(2) the student does not have an excused absence for that day.

(b) A school corporation or an accredited nonpublic school shall report to the local health department **and the department of education** the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the ~~attendance officer or the attendance officer's designee~~ **school administrator (or the school administrator's designee)** shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If ~~an attendance officer or an attendance officer's designee~~ **a school administrator (or the school administrator's designee)** has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

SECTION 14. IC 34-30-2-85.2, AS AMENDED BY P.L.1-2005, SECTION 221, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 85.2. IC 20-33-2-47(d) (~~Concerning attendance officer or officer's designee~~ **a school administrator or the school administrator's designee** for failure to contact a parent or guardian regarding a student's absences).

SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 20-33-2-31; IC 20-33-2-32; IC 20-33-2-33; IC 20-33-2-34; IC 20-33-2-35; IC 20-33-2-36; IC 20-33-2-37; IC 20-33-2-38; IC 20-33-2-39; IC 20-33-2-40; IC 20-33-2-41; IC 20-33-2-42; IC 20-33-2-43.

SECTION 16. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding any other law, if, as a result of an inspection of a school building under IC 22-14-2-11, the state fire marshal, or the fire marshal's designee, determines that there is a safety violation, a school corporation may be allowed a reasonable time for the abatement of the violation up to a year following the determination or the school corporation's next budget year, whichever is earlier.**

1 **(b) The expense of the abatement may be paid out of funds**
2 **appropriated for such purposes within the next budget year**
3 **following a violation determination described under subsection (a).**
4 **SECTION 17. An emergency is declared for this act."**
5 Renumber all SECTIONS consecutively.
 (Reference is to HB 1389 as printed February 9, 2007.)

Representative Behning